

IDAHO STATE BOARD OF MEDICINE

Position Statement - Appropriate Exceptions to Licensure Provided by Idaho Code § 54-1804 (1)(b)

The Idaho State Board of Medicine (Board) often receives requests for clarification of the appropriate exceptions to licensure provided by Idaho Code § 54-1804 (1)(b).

Idaho Code § 54-1804 (1)(b) allows physicians, not holding an Idaho medical license, who reside “in another state or country and authorized to practice medicine there, . . . [to be] called in consultation by [an Idaho licensed physician], or who for the purpose of furthering medical education is invited into this state to conduct a¹ lecture, clinic, or demonstration, . . . , so long as [the physician] does not open an office or appoint a place to meet patients or receive calls in” Idaho. (Emphasis added.)

Under the circumstances described and subject in each case to particular limitations, it is the Board’s interpretation that a physician licensed in another state or country may be personally called “in consultation by” an Idaho licensed physician for the sole purpose of assisting in medical care of a single patient of the Idaho licensed physician. Assisting in such medical care may include investigational or diagnostic collaboration with the Idaho licensed physician.

Assisting in such medical care does not include, but is not limited to, administering a remedy; diagnostic procedure; treatment; correction or prescribing for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality. While consulting, the consulting physician, licensed in another state or country, may not personally provide any medical care to a patient of an Idaho licensed physician. Under the circumstances described and subject in each case to particular limitations, it is the Board’s interpretation that a physician licensed in another state or country for the sole purpose of furthering medical education may be invited into Idaho to conduct a single lecture, clinic, or demonstration.

Conducting a lecture, clinic, or demonstration may not include, but is not limited to, opening an office; appointing a place to meet patients; receiving calls in Idaho; administering a remedy; diagnostic procedure; treatment; correction or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality or personally providing medical care to any patient in Idaho. An Idaho patient should provide written informed consent to a consultation provided by a physician licensed in another state or country in the setting of a clinic or demonstration.

Idaho Code § 54-1804.UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE provides, in part:

(1) Under the circumstances described and subject in each case to limitations stated, the following persons, though not holding a license to practice medicine in this state, may engage in activities included in the practice of medicine:

...

(b) A person residing in another state or country and authorized to practice medicine there, who is called in consultation by a person licensed in this state to practice medicine, or who for the purpose of furthering medical education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged

¹ With regard to Idaho Code § 54-1804 (1) (b), “. . . this state to conduct a lecture, clinic, or demonstration. . .”, the word “a” is singular, e.g., a one (1) time event or occurrence. Idaho Code § 54-1804 (1) (b), is very specific in identifying, in a given context, that a physician, although unlicensed in Idaho, has the privilege of conducting one single lecture, clinic or demonstration in Idaho.

in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;

...

Idaho Code § 54-1814. GROUNDS FOR MEDICAL DISCIPLINE provides, in part:

Every person licensed to practice medicine, licensed to practice as a physician assistant or registered as an extern, intern or resident in this state is subject to discipline by the board pursuant to the procedures set forth in this chapter and rules promulgated pursuant thereto upon any of the following grounds:

...

5) Knowingly aiding or abetting any person to practice medicine who is not authorized to practice medicine as provided in this chapter.

...

Idaho Code § 54-1804(2) makes it a felony to practice in the State of Idaho without a license.

In addition, Idaho Code § 54-1806(5) authorizes the Board to pursue injunctive relief to prohibit any unlawful practice of medicine.